Supreme Court, U. S.
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IN THE

Supreme Court of the United States

OCTOBER TERM, 1976

No. 76-927

HAROLD S. RIFKIN,

Petitioner,

v.

THE UNITED STATES

On Petition for a Writ of Certiorari
to the United States Court of Claims

PETITIONER'S REPLY TO MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

HAROLD S. RIFKIN, *Pro Se*
CMR Box 3787
APO New York, New York 09057

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Petitioner takes exception to the Memorandum for the United States in Opposition, filed in January 1977, copies of which were served on him by mail on 3 February 1977.

Appendix A, "Timeliness Position" and Appendix B, together with "Application for Extension of Time Within Which To File Petition for Writ of Certiorari" (page 4a) of the petition should overcome objection raised by Memorandum of the United States in Opposition.

Further, it is the opinion of petitioner that the Memorandum in Opposition is incorrect because the Decision of the Court of Claims (Appendix C), dated April 14, 1976, has never been finalized (see page 33a, Conclusion of Law). On October 1, 1976, petitioner was served via mail with a letter of September 7, 1976, from LeRoy Southmayd, Jr., Attorney, Court of Claims Section, Civil Division, United States Department of Justice, which stated in part "We are enclosing herewith a Stipulation for Entry of Judgment for your consideration. * * * If the Stipulation for Entry of Judgment is satisfactory, please sign the original and return it to this Department for filing with the Court." After due consideration of the Stipulation, petitioner decided that it was unacceptable and immediately, despite health condition already described, began to prepare his Petition for Writ of Certiorari, and further notified Mr. Southmayd, with a courtesy copy to Trial Judge Miller, by letter dated December 28, 1976, that: "the terms of the Stipulation . . . are unacceptable to me, and that I am seeking a Writ of Certiorari from the United States Supreme Court.

CONCLUSION

It is, therefore, the opinion of petitioner that the petition was filed on a timely basis and that, accordingly, the petition should be granted,

Respectfully submitted,

HAROLD S. RIFKIN, *Pro Se*
CMR Box 3787
APO New York, New York 09057